IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION Nos: 21074 & 23696 of 2004

-

-

WRIT PETITION No.21074 of 2004

Between:

1 The Divisional Forest officer, Vizianagaram, Vizianagaram Dist.
2 The Principal Chief Conservator of Forests, Govt. of Andhra Pradesh, Hyderabad.
3 The Conservator of Forest, Visakhapatnam Visakhapatnam Dist.

..... PETITIONERS

AND

Sri S.P.Chowdary, S/o.Late Govinda Chowdary, Formally Forest Section Officer, Mamidipalli Section, Saluru Range, Vizianagaram Division. Presently working as Dy.Range Officer, O/o. Divisional Forest officer, Srikakulam.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction more particularly one in the nature of "writ of Certiorari" calling for the records relating to and connected with order dated 12-05-2004 in O.A.NO.3126/ 2004 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

Counsel for the Petitioners: GP FOR SERVICES I

Counsel for the Respondent: MR.M.PANDURANGA RAO

-

-

-

-

WRIT PETITION No: 23696 of 2004

Between:

1 The Divisional Forests Officer, Vizianagaram, Vizianagaram District.
2 The Conservator of Forests, Visakhapatnam, Visakhapatnam District.
3 The Principal Secretary to Government, Forest Department, Secretariat, Hyderabad.

..... PETITIONERS

AND

1 Rallapalli Vegneswarudu, Forest Section Officer,
Through Forest Range Officer, Vizianagaram.
2 Botcha Appala Raju, Forests Section Officer,
through Conservator of Forests, P & E, Vizianagaram.
3 Polaki Trinadha Rao, Forest Section Officer,
Through Forest Range Officer, Saluru, Vizianagaram District.
4 Karu Rama Rao, Forest Section Officer,
through Dy.Conservator of Forests, P&E, Vizianagaram.
5 Mallapureddi Venkateswar Rao, Forest Section Officer (Retd.)
Plot No.786, Vuda Colony, Phase-II, Near Chanakya Public School, Vizianagaram.
6 Subhas Chandra Sahu, Forest Section Officer,
Through Forest Range Officer, Parvathipuram, Vizianagaram District.
7 Sarika Ramulu, Forest Section Officer,
Through Forest Range Officer, Saluru, Vizianagaram District.
8 Nuthakki Chandra Sekhara Rao, Forest Section Officer,
through Dy.Conservator of Forests P & E, Vizianagaram.
9 Metta Poli Naidu, Forest Section Officer,
through Forest Range Officer, Saluru, Vizianagaram District.
10 Tirumalaraju Manidhar Kumar, Forest Section Officer,
Through Forest Range Officer, Vizianagaram.
11 Jami Satya Sanyasi Rao, Forest Section Officer,
Through Forest Range Officer, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, or order or direction more particularly one in the nature of "WRIT OF CERTIORARI" and to call for records connected with order dated 12-05-2004 in O.A.No.3132 of 2004 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law.

Counsel for the Petitioners: GP FOR SERVICES I

Counsel for the Respondents: MR.M.PANDURANGA RAO.

The Court made the following:

ORAL COMMON ORDER:- (PER GB,J.)

Both the Writ Petitions can be disposed of by a common order as they arise out of a common order, dated 12.05.2004, passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.Nos.3126 and 3132 of 2004.

2. The O.As. were allowed at the stage of admission without hearing the Government Pleader and also without giving an opportunity to the Government to file its counter. Aggrieved by the said order, the present Writ Petitions have been filed by the Government.

3. The learned Government Pleader contends that no opportunity was given to the Government and therefore, the order of the Tribunal is liable to be set aside.

4. We have heard the learned counsel for the parties.

5. However, we are of the view that the matter requires reconsideration before the Tribunal and accordingly the order of the Tribunal is set aside and the O.As. are being remitted back to Tribunal for fresh consideration after hearing the learned Government Pleader.

6. In view of this, both the Writ Petitions are disposed of. No costs.

_____

G. BIKSHAPATHY, J.

Date: 10.02.2005

_____

P.S. NARAYANA, J.

ES

To

1 The Divisional Forest officer, Vizianagaram, Vizianagaram Dist.
2 The Principal Chief Conservator of Forests, Govt. of Andhra Pradesh, Hyderabad.
3 The Conservator of Forest, Visakhapatnam Visakhapatnam Dist.

4 The Principal Secretary to Government, Forest Department, Secretariat, Hyderabad.

5 2 CCs to the G.P. for Services-I, High Court of A.P., Hyderabad (OUT).

6 2 CD copies